

## REMARKS

In the application claims 1-11 and 14-19 remain pending. Claims 12 and 13 have been canceled without prejudice. Certain of the claims have been amended to clarify what the Applicant regards as their invention. Support for the amendments may be found in the specification and figures as originally filed. No new matter has been added.

In the Office Action claims 1-10 were rejected under 35 U.S.C. § 112 for “containing subject matter not described in the specification.” In response to this rejection, the claims have been amended to recite that the readable media has stored thereon access data that is modifiable by the remote control for the purpose of limiting use of the code data to a predetermined number of times. Support for this claim language is found in, for example, paragraph 0047 of the corresponding, US Published Application 2004/005984. Accordingly, the rejection of claim 1-10 has been rendered moot.

In the Office Action claims 11 and 14-17 were rejected under 35 U.S.C. § 112 for “containing subject matter not described in the specification.” In response to this rejection, the claims have been amended to recite that the code data comprises data to enable remote control access to a channel line-up for a broadcast service provider. Support for this claim language is found in, for example, paragraphs 0046 and 0051 of the corresponding, US Published Application 2004/005984. Accordingly, the rejection of claim 11 and 14-17 has been rendered moot.

In the Office Action claims 1-10 were rejected under 35 U.S.C. § 103 as being rendered obvious by Pariente (WO 9409570) in combination with Renner (5679945). In response, it is respectfully submitted that Renner fails to disclose, teach, or suggest modifying Pariente to arrive at the invention claimed. Renner describes a system for limiting access to physical areas that are under the control of an intelligent card reader (ICR). For example, at Col. 11, lines 15-35, Renner describes that a smart card inserted into the ICR may be utilized

to control parking garage gates or other types of entry-inhibiting devices such as safes or file cabinets. While Renner describes various ways of using the ICR to control access to physical areas, **nowhere** does Renner disclose, describe, teach, or suggest, either expressly or inherently, that his smart card has stored thereon data that is modifiable for the purpose of limiting use of data stored on his smart card. Absent such disclosure, description, teaching, or suggestion, nothing from within Renner can be said to demonstrate that an artisan of ordinary skill in the art at the time of the invention, with no knowledge of the claimed invention, would have combined Pariente and Renner to arrive at the invention claimed. For at least this reason, it is respectfully submitted that the rejection of claims 1-10 must be withdrawn.

Considering now the rejection of claims 11-17 based upon the combination of Pariente and Ishikawa, it is respectfully submitted that Ishikawa cannot be said to suggest modifying the system of Pariente to arrive at the invention claimed. In this regard, Ishikawa describes a system in which a remote control (10) is used to navigate a channel guide displayed on the cathode ray tube (18) of a television. Ishikawa does not, however, disclose, describe, teach, or suggest that it would be desirable to store code data on a readable media where the stored code data comprises data to enable remote control access to a channel line-up for a broadcast provider. Ishikawa also fails to disclose, describe, teach, or suggest that it would be desirable, in response to activation of a direct channel access button of the remote control, to read code data *from the readable media* to cause the issuance of a command to tune an appliance to a specific channel in the channel line-up of the broadcast provider. Absent any such disclosure, description, teaching, or suggestion, nothing from within Ishikawa can be said to demonstrate that an artisan of ordinary skill in the art at the time of the invention, with no knowledge of the claimed invention, would have combined Pariente

and Ishikawa to arrive at the invention claimed. For at least this reason, it is respectfully submitted that the rejection of claims 11 and 14-17 must be withdrawn.

Considering now the rejection of claims 18 and 19 based upon the combination of Pariente and Krisbergh, it is respectfully submitted that Krisbergh cannot be said to suggest modifying the system of Pariente to arrive at the invention claimed. In this regard, Krisbergh describes a system in which a converter/descrambler (40) is preauthorized with a certain number of credits for receiving pay-per-view services. Krisbergh does not, however, disclose, describe, teach, or suggest that it would be desirable to store code data on a readable media where the stored code data comprises a credit amount, i.e., a system such as claimed having the advantage of allowing credit data stored on the smart card to be used to gain access to pay-per-view events even when accessed by means of plural, different converters/descramblers or other remote controls. As noted in the Office Action, Krisbergh discloses nothing more than the desirability of storing a credit amount on a single, preauthorized converter/descrambler. Thus, absent any disclosure, description, teaching, or suggestion that it would be desirable to stored data representative of a credit amount on a readable media readable by a remote control *to limit transmissions of signals* to a home appliance, nothing from within Krisbergh can be said to demonstrate that an artisan of ordinary skill in the art at the time of the invention, with no knowledge of the claimed invention, would have combined Pariente and Krisbergh to arrive at the invention claimed. For at least this reason, it is respectfully submitted that the rejection of claims 18 and 19 must be withdrawn.

## CONCLUSION

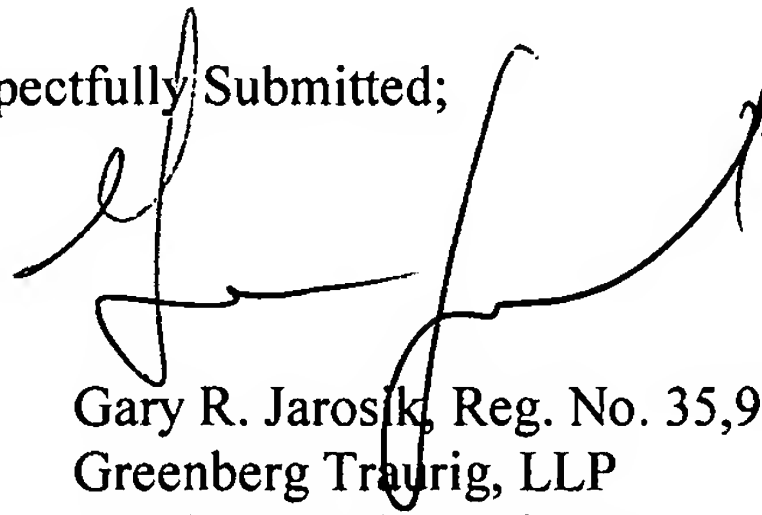
As discussed above, the rejections of the claims reflect the impermissible use of hindsight reasoning, namely, the finding of various terms in the references cited and the using of the applicants disclosure to somehow link those terms for the purpose of deprecating the

invention claimed. Accordingly, the rejections of the claims are improper and the subject application must be considered to be in condition for allowance.

Should it be determined that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner authorized to charge any fee deficiency to deposit account number 50-2428.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', is written over the typed name and firm information.

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